General Assembly

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Resolution adopted by the General Assembly

[*on the report of the Second Committee (A/59/485/Add.3)*]

59/242. Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets to the countries of origin

The General Assembly,

Recalling its resolutions 54/205 of 22 December 1999, 56/186 of 21 December 2001 and 57/244 of 20 December 2002, and recalling also its resolution 58/205 of 23 December 2003 on preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets to the countries of origin,

Recalling also the Monterrey Consensus of the International Conference on Financing for Development,[1] which underlined that fighting corruption at all levels is a priority, and the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[2]

Emphasizing the need for solid democratic institutions responsive to the needs of the people and the need to improve the efficiency, transparency and accountability of domestic administration and public spending and the rule of law, to ensure full respect for human rights, including the right to development, and to eradicate corruption and build sound economic and social institutions,

Recognizing that fighting corruption at all levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, the fight against hunger, and economic and sustainable development,

Noting the particular concern of developing countries and countries with economies in transition regarding the return of assets of illicit origin derived from corruption to the countries from which they originated, consistent with the principles of the United Nations Convention against Corruption,[3] in particular

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[1] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18–22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[2] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[3] Resolution 58/4, annex.

chapter V, in view of the importance that such assets can have to their sustainable development,

Recognizing the concern over the transfer and/or transaction of assets of illicit origin, and stressing the need to address this concern consistent with the principles of chapter V of the United Nations Convention against Corruption,

Recognizing also that the illicit acquisition of wealth can be particularly damaging to democratic institutions, national economies and the rule of law,

Convinced that a stable and transparent environment for national and international commercial transactions in all countries is essential for the mobilization of investment, finance, technology, skills and other important resources, and recognizing that effective efforts at all levels to combat and avoid corruption in all its forms in all countries are essential elements of an improved national and international business environment,

Concerned about the links between corruption in all its forms, including bribery, money-laundering and the transfer of assets of illicit origin, and other forms of crime, in particular organized crime and economic crime,

Reiterating its concern about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and the values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law, in particular when an inadequate national and international response leads to impunity,

Welcoming the initiatives taken by the Commonwealth Secretariat and the Group of Eight with regard to fighting corruption and improving transparency, including the initiative of the Group of Eight to support with bilateral technical assistance those countries committed to a partnership to increase transparency, good governance and the rule of law, and welcoming also the efforts of those Member States that have entered into "Compacts to Promote Transparency and Combat Corruption" with the Group of Eight,

Noting with appreciation the holding of the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption in Mérida, Mexico, from 9 to 11 December 2003,

Recalling its resolution 58/4 of 31 October 2003, by which it adopted the United Nations Convention against Corruption and urged all States and competent regional economic organizations to sign and ratify it,

1. *Condemns* corruption in all its forms, including bribery, money-laundering and the transfer of assets of illicit origin;

2. *Takes note* of the report of the Secretary-General;[4]

3. *Welcomes* the adoption of the United Nations Convention against Corruption;[3]

4. *Reiterates its invitation* to all Member States and competent regional economic integration organizations to sign, ratify and fully implement the United Nations Convention against Corruption as soon as possible in order to ensure its rapid entry into force;

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[4] A/59/203 and Add.1.

5. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, including, inter alia, in accordance with the United Nations Convention against Corruption, and in this regard encourages Member States that have not yet done so to enact such laws;

6. *Encourages* all Governments to prevent, combat and penalize corruption in all its forms, including bribery, money-laundering and the transfer of illicitly acquired assets, and to work for the prompt return of such assets through asset recovery consistent with the principles of the United Nations Convention against Corruption, particularly chapter V;

7. *Further encourages* subregional and regional cooperation, where appropriate, in the efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin as well as for asset recovery consistent with the principles of the United Nations Convention against Corruption, particularly chapter V;

8. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, as well as for asset recovery consistent with the principles of the United Nations Convention against Corruption, particularly chapter V;

9. *Encourages* Member States to provide adequate financial and human resources to the United Nations Office on Drugs and Crime, and further encourages the Office to give high priority to technical cooperation, upon request, inter alia, to promote and facilitate the signing and ratification, acceptance, approval or accession and the implementation of the United Nations Convention against Corruption, including the early finalization, in cooperation with the United Nations Interregional Crime and Justice Research Institute, of the legislative guide for the ratification and implementation of the Convention;

10. *Reiterates its request* to the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of assets of illicit origin as well as for asset recovery consistent with the principles of the United Nations Convention against Corruption, particularly chapter V, and formulating strategies for mainstreaming and promoting transparency and integrity in both the public and private sectors;

11. *Urges* all Member States, consistent with the United Nations Convention against Corruption, to abide by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption;

12. *Calls upon* the private sector, at both the international and the national levels, including small and large companies and transnational corporations, to remain fully engaged in the fight against corruption, welcomes the agreement to add anti-corruption as the tenth principle of the Global Compact, and emphasizes the need for all relevant stakeholders, including within the United Nations system, as appropriate, to continue to promote corporate responsibility and accountability;

13. *Encourages* all Member States that have not yet done so to require financial institutions to properly implement comprehensive due diligence and vigilance programmes, consistent with the principles of the United Nations

Convention against Corruption and other applicable instruments, that could facilitate transparency and prevent the placement of illicitly acquired funds;

14. *Also encourages* Member States, relevant international organizations and the United Nations Office on Drugs and Crime to give prominence to 9 December as International Anti-Corruption Day, as established by the General Assembly in its resolution 58/4;

15. *Requests* the Secretary-General to submit to the General Assembly at its sixtieth session a report on the implementation of the present resolution and on the impact of corruption in all its forms, including on the scale of transfers of assets of illicit origin and the impact of corruption and such outflows on economic growth and sustainable development.

75th plenary meeting
22 December 2004